



उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(34)

मामला क्रमांक M.A. 1098 सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	HIGH COURT OF CHHATTISGARH AT BILASPUR MISC. APPEAL (C) NO.1098/2005	
	Single Bench : Hon'ble Shri Dhirendra Mishra, J	
	APPELLANTS NON-APPLICANTS	1. Prakash Agrawal, son of Shri Surajbhan Agrawal, aged about 22 years; 2. Surajbhan Agrawal, Son of Shri Trilok, aged about 45 years; Both are Resident of Sharab Bhatthi Road, Islampara, Saraipali, District Mahasamund (C.G.)
	RESPONDENT CLAIMANT	VERSUS Parikshit Sao, Son of Late Shri Jagannath Sao, aged about 50 years, Resident of Village Bonda, Police Station Saraipali, District Mahasamund (C.G.)
	Present: Mr. Yogesh Pandey, counsel for the appellants. Mr. C.R. Sahu, Varunendra Mishra, counsel for respondent.	
	11.05.2007 This is owner's appeal against the award dated 10.5.2005 passed by Second Additional Motor Accident Claims Tribunal,	

मामला क्रमांक MA-1098 सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Mahasamund (C.G.) in Claim Case No.18/2003 whereby a sum of Rs.98,676/- has been awarded as compensation to the claimant/respondent Parikshit Sao towards the injuries sustained by him in the motor vehicle accident dated 23rd August 2002 involving Truck No. M.P. T/9080 registered in the name of appellant No.2 and driven by Prakash Agrawal, appellant No.1 at the relevant time. Learned counsel for the appellants has assailed the above award on the ground that though the award is based on certain cash memos proved by the claimant/respondent during trial, however, the doctor prescribing the above medicines, has not been examined to prove that the said medicines were in fact prescribed by him to the claimant for the injuries sustained by him. Further, from the evidence available on record, it is evident that a sum of Rs.27,000/- was paid to the claimant by way of compromise by the appellants even before filing of the claim petition and this aspect has not been considered by the claims Tribunal while deciding the quantum of compensation. On the other hand, learned counsel for the respondent submits that the claims Tribunal has awarded compensation only for the actual expenses incurred by the claimant/respondent towards his treatment and no additional sum has been awarded by the Tribunal towards the pain and suffering or other heads	

मामला क्रमांक M.C. 1098 सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	considering the earlier payment made by the appellants. He submits that along with the petition he has also filed the discharge ticket of Ex.P/15 as also M.L.C. report of Ex.P/3, by which the claimant was referred to Medical College Hospital Raipur for further treatment. I have heard learned counsel for the respective parties and have perused the record as also the impugned award. From the discharge ticket it is evident that the claimant was admitted in the hospital on 24th August 2002 and was discharged only on 31.10.2002 i.e. he was hospitalized for a period of more than two months. Further, the claimant has also filed cash memos for the medicines purchased by him for his treatment (Ex.P/24 to Ex.P/160). Thus, considering the overall evidence available on record, the grounds taken by the appellants for assailing the above award, cannot be sustained. In the result, the appeal being devoid of substance is liable to be dismissed and is accordingly, dismissed.	

Sd/-
DHIRENDRA MISHRA
Judge